ESTTA Tracking number: **ESTTA573610**

Filing date: **11/27/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92054573
Party	Plaintiff LayerZero Power Systems, Inc.
Correspondence Address	RAYMOND RUNDELLI CALFEE HALTER & GRISWOLD LLP 1405 EAST SIXTH STREET, THE CALFEE BUILDING CLEVELAND, OH 44114-1607 UNITED STATES rrundelli@calfee.com, jcastrovinci@calfee.com, ssmith@mccarter.com, jwhitney@mccarter.com
Submission	Testimony For Plaintiff
Filer's Name	Raymond Rundelli
Filer's e-mail	rrundelli@calfee.com, jwick@calfee.com
Signature	/Raymond Rundelli/
Date	11/27/2013
Attachments	02256708.PDF(249805 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Registration Nos.:	3,998,542 and 3,998,543
For the Marks:	LAYER ZERO and LAYER 0
Date of Issue:	July 19, 2011

LAYERZERO POWER SYSTEMS, INC.	)	
	)	
Petitioner,	)	Cancellation No.: 92054573
	)	
v.	)	
	)	
ORTRONICS, INC.,	)	
	)	
Registrant.	)	

PETITIONER'S EXHIBIT 33

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Registration Nos.: 3,998,542 and 3,998,543
For the Marks: LAYER ZERO and LAYER 0
Issued on: July 19, 2011

LAYERZERO POWER SYSTEMS, INC.,		
Petitioner,	)	Cancellation No. 92054573
v.	)	
ORTRONICS, INC.,	)	
Registrant.	)	

PETITIONER'S SIXTH NOTICE OF RELIANCE

Pursuant to Trademark Rule 2.122 (e) and TBMP §704.08(b), Petitioner, LayerZero Power Systems, Inc. ("Petitioner" or "LayerZero"), by and through its attorneys, hereby gives notice that it will or may rely upon the following materials relevant to the issues in the above-captioned proceeding, copies of which are attached to this Notice.

1. A true and correct copy of an article entitled "InfraStruxure Data Centers Mean Business," which was printed from APC's website on October 23, 2013 and is still available there online at http://www.apc.com/products/infrastruxure/index.cfm, is attached hereto as a part of Exhibit U. A true and correct copy of an article entitled "About InfraStruxture," which was printed from APC's website on Ocotber 23, 2013 and is still available there online at http://www.apc.com/products/infrastruxure/index.cfm?section+about, is attached hereto as a part of Exhibit U. A true and correct copy of an article entitled "Why InfraStruxture," which was

printed from APC's website on October 23, 2013 and is still available there online at http://www.apc.com/products/infrastruxure/index.cfm?section=why, is attached hereto as a part of Exhibit U. A true and correct copy of an article entitled "InfraStruxture Design Process," which was printed from APC's website on October 23, 2013 and is still available there online at http://www.apc.com/products/infrastruxure/index.cfm?section=design, is attached hereto as a part of Exhibit U. These documents relate to the relatedness of the goods and services of the parties, the overlapping channels of trade through which Petitioner's and Registrant's goods and services travel and are promoted, and convergence in the data center market.

Dated: October 28, 2013

Respectfully submitted,

s/Raymond Rundelli/
Raymond Rundelli (0030778)
rrundelli@calfee.com
Jennifer Wick (0074340)
jwick@calfee.com
CALFEE, HALTER & GRISWOLD LLP
The Calfee Building
1405 East Sixth Street
Cleveland, Ohio 44114-1607
(216) 622-8200
FAX (216) 241-0816

Attorneys for Petitioner LayerZero Power Systems, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on October 28, 2013, a copy of the foregoing was served on Registrant Ortronics, Inc. below via email to:

Mark D. Giarratana
Shawn Smith
McCarter & English LLP
185 Asylum Street, Cityplace 1
Hartford, CT 06103
mgiarratana@mccarter.com
shsmith@McCarter.com

s/Raymond Rundelli/
Raymond Rundelli
rrundelli@calfee.com
Jennifer Wick
jwick@calfee.com
The Calfee Building
1405 East Sixth Street
Cleveland, Ohio 44114-1607
Phone: 216-622-8200
Fax: 216-241-0816

Attorneys for Petitioner

EXHIBIT U

Overview

- InfraStruxure Home
- About InfreStruxure™
- Why InfraStruxure™?
- InfraStruxure™ Design Process
- Component Lists
- Software Management
- Server Rooms

InfraStruxure

InfraStruxure Data Centers Mean Business

InfraStruxure™ is the scalable and adaptable data center IT room architecture that dramatically reduces time and complexity from concept and design through installation. Power, cooling, racks, security and management components are conceived and tested as part of an integrated data center solution which is evident in the aesthetics, functionality and ease of management software integration. Taking a broad system view enables full realization of the benefits of going fast, going dense and going green while ensuring your critical availability targets are met. An open system, InfraStruxure™ is the proven "on demand" architecture for building data center solutions small and large, delivering high availability and energy efficiency whether deployed on its own, in a zone, or in incremental steps.

This new generation of InfraStruxure™ data center solutions delivers:

- Higher performance - 25 percent increase in power and cooling capacity, 15 percent smaller footprint
- More scalability - as big as you want to go
- Faster and easier planning through operations - automated planning and design tools with open & integrated management and operations software
- More innovation and leadership - from the worlds leader in data center physical infrastructure all while reducing cost!

Chat with Support Agent

Modular Systems

Choose Your IT Environment

Wiring Closets
1 - 3 Racks

Server Rooms
1 - 5 Racks

Small Data Centers
5 - 20 Racks

To Know More

Documentation

- InfraStruxure Brochure
- White Papers
- Testimonials
- Case Studies
- Guide Specifications

Contact APC

- Contact Information
- Live Chat

View the next generation of InfraStruxure

Learn more about integrated power, cooling, racks, management, and services.

TradeOff Tool Calculators

Generate numerous "what if" scenarios to help support data center virtualization, power sizing, efficiency, power density, and cooling decisions. APC TradeOff Tools are designed to reduce complexity by helping data center professionals quickly identify their data center preferences and weigh those preferences against their budgetary and physical environment constraints.

Medium Data Centers
20 - 100 Racks

Large Data Centers
100+ Racks

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InfraStruxure

About InfraStruxure™

InfraStruxure™ fully integrates power, cooling, racks, security and management components plus services for a complete data center solution.

Whether your priority is:

- Availability - N, N+1, 2N, 2N+1 power and cooling
- Greatest efficiency
- Highest density
- Manageability from rack to row to room to building
- Greatest agility to rightsize initially and adapt to future needs
- Lowest 10 year lifecycle cost

You are able to maximize and optimize around multiple performance vectors.

InfraStruxure™ is data center solutions are suitable for environments of all sizes from network closets to the largest data centers regardless of where you are today - whether you are a "greenfield" (new data center) or "brownfield" (existing data center) or you are fitting out an existing room or have a new dedicated building.

InfraStruxure™ can be applied to:

- Turn any room into an integrated and complete world-class data center
- Extend the life of your current data center
- "Step and repeat" with modular facility architecture for large data centers

What is InfraStruxure ?
NCPI, or network-critical physical infrastructure, is the foundation upon which all highly available networks depend.

Why InfraStruxure™?
InfraStruxure™ provides a high performance, scalable and adaptable data center fast and easy.

InfraStruxure™ Design Process
See how APC's innovative online tools let you quickly make planning decisions and design a custom solution to your exact specifications.

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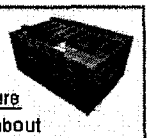

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InfraStruxure

Why InfraStruxure™?

High Performance

Starting with the most reliable and efficient data center components, APC's InfraStruxure™ is engineered as a system to deliver the performance you need. With its flexible architecture you can dial-in your preference for availability, efficiency, density, agility, or cost. Open management tools optimized for InfraStruxure™ enable you adjust buffer levels to align with your risk comfort levels. Active, open, management across all key domains, including power, cooling, rack systems, and security systems helps avoid to unplanned downtime and maximize data center energy efficiency. With full integration capabilities to enterprise and building management systems, the InfraStruxure™ software provides a core platform to monitor, manage and operate your data center assets.

Fast and easy to design and deploy

It has become a priority for data center managers to deliver IT capabilities in a timeframe needed to enable business success. Sophisticated InfraStruxure™ planning and design tools enable the fast and easy generation of multiple proposals that can be easily modified to deliver solutions tailored to your exact needs. This dramatically reduces valuable time at the beginning of the project. The solutions are expeditiously shipped with deployment and installation happening very fast as all of the components are designed to work together. Regardless of whether its a retrofit or a completely new build, InfraStruxure™ gets you from design to online in no time!

Scalable and Adaptable

Aligning your IT capabilities with business needs is a top of mind concern. Whether you are rightsizing and initial deployment, scaling up to add applications or scaling down, InfraStruxure™ is the most scalable and adaptable choice. Highly granular modularity in your power, cooling, management, and power distribution are the key.

This new generation of InfraStruxure™ delivers a 25 percent increase in power and cooling capacity, a 15 percent smaller footprint, all while reducing IT costs by 15 percent^.

*over previous generation

To Know More

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InfraStruxure

InfraStruxure™ Design Process

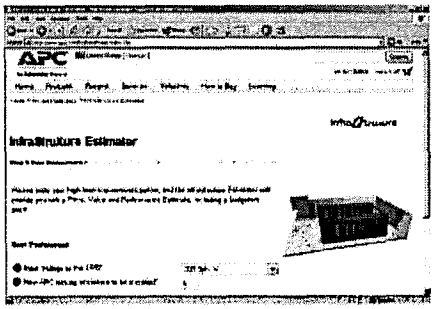
For your next project, discover how easy it is to:

- Plan to your cost, efficiency, and availability targets
- Propose and evaluate multiple data center designs
- Right-size to your current data center requirements

APC streamlines the data center planning and design process with automated planning and virtualization tools incorporating over a decade of design experience and knowledge.

Innovative early planning tools allow you to make critical decisions early in the process, Quickly determine costs, efficiency, carbon footprint by...

- Size
- Density
- Redundancy
- Architecture

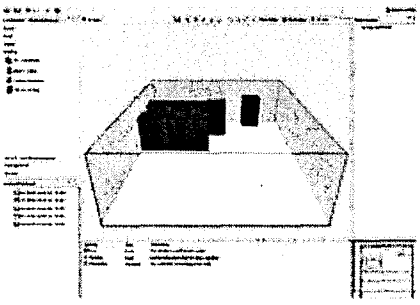


APC InfraStruxure™ selector

Research InfraStruxure™ data center design possibilities with the InfraStruxure™ selector. The selector leverages built-in "rules" that generates an integrated hardware and software solution.

The APC InfraStruxure™ selector gathers data center requirements such as, input voltage, number of racks needed, average watts per rack and battery runtime required.

Using the data gathered - price, value and performance InfraStruxure™ solutions are generated. Choose the solution that best fits your needs.



APC InfraStruxure™ designer

Designs with more detailed input or complicated scenarios can quickly and easily be generated using InfraStruxure™ Designer by a trained data center professional.

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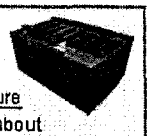

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United States Patent and Trademark Office

Electronic System for Trademark Trials and Appeals

Receipt

Your submission has been received by the USPTO.
The content of your submission is listed below.
You may print a copy of this receipt for your records.

ESTTA Tracking number: **ESTTA567447**
Filing date: **10/28/2013**

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Party	Plaintiff LayerZero Power Systems, Inc.
Correspondence Address	RAYMOND RUNDELLI CALFEE HALTER & GRISWOLD LLP 1405 EAST SIXTH STREET, THE CALFEE BUILDING CLEVELAND, OH 44114-1607 UNITED STATES rrundelli@calfee.com, jcastrovinci@calfee.com, ssmith@mccarter.com, jwhitney@mccarter.com
Submission	Plaintiff's Notice of Reliance
Filer's Name	Raymond Rundelli
Filer's e-mail	rrundelli@calfee.com, jwick@calfee.com
Signature	/Raymond Rundelli/
Date	10/28/2013
Attachments	02215923.PDF(45196 bytes) 02215927.PDF(131715 bytes)

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